

MULTIMEDIA



UNIVERSITY

STUDENT ID NUMBER

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# MULTIMEDIA UNIVERSITY

## FINAL EXAMINATION

TRIMESTER 1, 2020/2021

**UMY1712 MALAYSIAN LEGAL SYSTEM**

(All Sections/ Groups)

26 OCTOBER 2020

Reading Time: 2.30 pm - 2.45pm

(15 Minutes)

Answering Time: 2.45 pm – 5.45 pm

(3 Hours)

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### INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of 3 pages with 5 Questions only.
3. Attempt **ALL** Questions from Part A. Attempt **THREE** Questions from Part B  
All questions carry equal marks and the distribution of the marks for each question is given.
4. Students are allowed to bring into Examination Hall **CLEAN** and **ORIGINAL** copy of:
  - i. Courts of Judicature Act 1964
  - ii. Federal Constitution of Malaysia
  - iii. Criminal Procedure Code

“Clean” is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.
5. Please write all your answers in the Answer Booklet provided.

**PART A**

**(ANSWER ALL QUESTIONS)**

**QUESTION 1**

- (a) Azman was walking home from his usual night out with his friends when he was stopped by the police. It turned out that one of the houses in his neighborhood was burglarized that night. Azman, who was wearing all black and forgot to bring his wallet, was then detained to assist the police investigation. During the questioning session, he was not told of his charges. Furthermore, he was tied to his seat and was denied any communication with any person as the police did not want any interference from outside to aid him in their case. Azman was kept in a lock-up for days before being produced in front of the magistrate. Azman is seeking for your advice.

Support your answer by applying relevant case laws and statutory provisions.

**(15 Marks)**

- (b) Ramasamy was stopped at the roadblock inspection by the police. He was asked by one of the policemen to show his identity card while the other policeman searched his body. As nothing incriminating was found, the policemen released him.

Assess under which provisions of the Criminal Procedure Code the police may perform a body search.

**(10 Marks)**

**(Total: 25 Marks)**

**Continued...**

**PART B**

**(ANSWER THREE (3) OUT OF THE FOLLOWING FOUR (4) QUESTIONS)**

**QUESTION 2**

- a. Section 3(1) of Civil Law Act 1956 provides that in the absence of written law, the courts in Malaysia shall apply the common law and rules of equity existing in England. Explain the general application of English Law in Malaysia. Your answers must be supported by relevant statutory provisions and case law.

**(15 marks)**

- b. Briefly discuss the following cases:

i) Che Omar bin Che Soh v Public Prosecutor [1988] 2 MLJ 55

**(5 marks)**

ii) Teoh Eng Huat v Kadhi of Pasir Mas, Kelantan & Anor [1990] 2 MLJ 300

**(5 marks)**

**(Total: 25 marks)**

**QUESTION 3**

- a. Syariah Courts in states and Federal Territories employs a hierarchy of 3-tiered court system. Discuss the Syariah court system in Malaysia. Support your answers with relevant case laws and statutory provisions.

**(15 marks)**

- b. Child is person between the age of 12 to 18 years old. Child Act 2001 acknowledges that a child needs special care and assistance. Discuss the jurisdiction of Court for Children. Support your answers with relevant case laws and statutory provisions.

**(10 marks)**

**(Total: 25 marks)**

**Continued...**

#### QUESTION 4

*"In accordance with Clause (1) of Article 145 of the Federal Constitution, His Majesty the Yang di-Pertuan Agong also approved the appointment of Federal Court Judge Tan Sri Idrus Harun as the new Attorney General for a two-year period, effective March 6, 2020," said a statement from the Prime Minister's Department. (Source: News Straits Times, 6<sup>th</sup> March 2020)*

Discuss the above statement by supporting your answer with provisions under Federal Constitutions and decided cases.

**(25 marks)**

#### QUESTION 5

Muthu has recently been dismissed by his employers without prior notice. He needs legal representation in the court of law to argue his case. However, he does not have the financial power to hire a legal representation. He would like to seek for help from any legal aid institutions. Muthu finds you as a lawyer to advise him about Legal Aid Department (Jabatan Bantuan Guaman) under Prime Minister Department.

- a. Name another organisation which provides free legal aid to the general public in Malaysia apart of Legal Aid Department.

**(2 marks)**

- b. Explain the role and functions of Legal Aid Department.

**(13 marks)**

- c. Explain procedures for Legal Aid application in Legal Aid Department.

**(10 marks)**

**(Total: 25 marks)**

**End of page.**